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NO. SUBSTITUTE ORDINANCE
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AN ORDINANCE amending the King County Zoning Code which regulates the use and maintenance of buildings, structures, premises and land in the county of King; providing penalties for violation of zoning regulations; providing for enforcement procedures; and repealing all ordinances in conflict therewith.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY AS FOLLOWS:

CHAPTER 1 - REPEALER

Section 101. Resolutions Sections of the King County Code which are repealed by this ordinance:

(1) Resolution No. 25789, §3302 and King County Code 24.68.030 passed April 29, 1963

(2) Resolution No. 25789, §3400 and King County Code 24.69.010 passed April 29, 1963

CHAPTER 2 - ENFORCEMENT

Section 201. (a) ADMINISTRATION. The Director of Building is hereby authorized to enforce the provisions of this code.

(b) INSPECTIONS. The Director of Building and his authorized representative are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

(c) RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Director of Building or his authorized representative has reasonable cause to believe that any building, structure, premises, land, or portion thereof is being used in violation of this code, the building official or his authorized representative may enter such building, structure, premises, land, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the Director of Building by this

1 code; provided that (i) if such building, structure, premises,
2 land, or portion thereof be occupied, he shall first present
3 proper credentials and demand entry; and (ii) if such building,
4 structure, premises, land, or portion thereof be unoccupied, he
5 shall first make a reasonable effort to locate the owner or
6 other persons having charge or control of the building, struc-
7 ture, premises, land, or portion thereof and demand entry.

8 No owner or occupant or any other person having charge,
9 care or control of any building, structure, premises, land, or
10 portion thereof shall fail or neglect after proper demand to
11 promptly permit entry thereon by the Director of Building or his
12 authorized representative for the purpose of inspection and
13 examination pursuant to this code. Any person violating this
14 subdivision shall be guilty of a misdemeanor.

15 Section 202. ZONING VIOLATIONS SHALL BE ABATED. All
16 violations of this code are determined to be detrimental to the
17 public health, safety, and welfare and are hereby declared to be
18 public nuisances. All conditions which are determined after
19 inspection of the Director of Building to render any building,
20 structure, premises, land or portion thereof to be used or
21 maintained in violation of this code shall be abated.

22 Section 203. ABATEMENT DEFINED. For purposes of this
23 code, abatement of a zoning violation is defined as the
24 termination of any zoning violation by reasonable and lawful
25 means determined by the Director of Building, in order that a
26 building, structure, premises, land, or portion thereof shall be
27 made to comply with this code.

1 Section 204. VIOLATIONS - MISDEMEANOR. It shall be
2 unlawful for any person, firm, corporation or other organization
3 whether as owner, lessee, sublessee, or occupant, to allow, use
4 or maintain any building, structure, premises, land, or portion
5 thereof contrary to or in violation of any of the provisions
6 of this code or any order issued by the Director of Building
7 hereunder. Any person violating the provisions of this section
8 shall be guilty of a misdemeanor for each day such violation
9 continues.

10 Section 205. CIVIL PENALTY. In addition to or as an
11 alternate to any other penalty provided herein or by law, any
12 person, firm, corporation or other organization who violates
13 any of the provisions of this code or by each act of commission
14 omission procures, aids or abets such violation shall incur a
15 cumulative civil penalty in the amount of three dollars per day,
16 per each violation, plus billable costs of the Department of
17 Building, from the date set for compliance until such violation
18 is corrected or such notice of violation or order is complied
19 with.

20 All civil penalties will be enforced and collected
21 in accordance with the procedure specified in this code.

22 Section 206. ADDITIONAL ENFORCEMENT. Notwithstanding
23 the existence or use of any other remedy, the Director of Building
24 may seek legal or equitable relief to enjoin any acts or practices
25 and abate any conditions which constitute or will constitute a
26 violation of this code or other regulations herein adopted.

27 Section 207. APPEALS. The King County Board of Appeals
28 as established by Article 7 of the King County Charter is here-
29 by designated to hear appeals by parties aggrieved by actions
30 of the Director of Building pursuant to this code. The Board
31 may adopt reasonable rules and regulations for conducting its
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1 business. Copies of all rules or regulations adopted by the
2 Board shall be delivered to the Director of Building who shall
3 make them freely accessible to the public. All decisions and
4 findings of the Board shall be rendered to the appellant in
5 writing with a copy to the Director of Building.

6
7 CHAPTER 3 - NOTICE AND ORDERS OF DIRECTOR OF BUILDING

8 Section 301 (a) COMMENCEMENT OF PROCEEDINGS. Whenever
9 the Director of Building has inspected or caused to be inspected
10 any building, structure, premises, land, or portion thereof and
11 has found and determined that such building, structure, premises,
12 land, or portion thereof is used or maintained in violation of
13 this Code, he shall commence proceedings to cause the abatement
14 of each violation.

15 (b) NOTICE AND ORDER. The Director of Building shall
16 issue a notice and order directed to the record owner of the
17 building, structure, premises, land, or portion thereof. The
18 notice and order shall contain:

19 1. The street address when available and a legal
20 description sufficient for identification of the building, struc-
21 ture, premises, land, or portion thereof, upon which the viola-
22 tion(s) is (are) located.

23 2. A statement that the Director of Building has
24 found the building, structure, premises, land, or portion there-
25 of to be used or maintained illegally with a brief and concise
26 description of the conditions found to render the building,
27 structure, premises, land, or portion thereof in violation of
28 this code.

29 3. A statement of the action required to be taken
30 as determined by the Director of Building.

1 (i) If the Director of Building has determined that
2 the building, structure, premises, land, or portion thereof must
3 be abated, the order shall require that all required permits be
4 secured therefor and the work physically commenced within such
5 time and completed within such time as the Director of Building
6 shall determine is reasonable under all of the circumstances.

7 (ii) If the Director of Building has determined to
8 assess a civil penalty, the order shall require that the penalty
9 shall be paid within a time certain from the date of the order
10 as determined by the Director of Building to be reasonable.

11 4. Statements advising that if any required abate-
12 ment is not commenced within the time specified, the Director of
13 Building will proceed to cause the work to be done and charge
14 the costs thereof against the property or its owner.

15 5. Statements advising (i) that any person having
16 any record title or legal interest in the building, structure,
17 premises, land, or portion thereof may appeal from the notice
18 and order or any action of the Director of Building to the
19 Board of Appeals, provided the appeal is made in writing as
20 provided in this Code, and filed with the Director of Building
21 within 30 days from the date of service of such notice and
22 order; and (ii) that failure to appeal will constitute a waiver
23 of all right to an administrative hearing and determination of
24 the matter.

25 (c) SERVICE OF NOTICE AND ORDER. The notice and
26 order, and any amended or supplemental notice and order, shall
27 be served upon the record owner, and posted on the property;
28 and one copy thereof shall be served on each of the following
29 disclosed from official public records: the holder of any
30 mortgage or deed of trust or other lien or encumbrance of
31 record; the owner of holder of any lease of record; and the
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1 holder of any other estate or legal interest of record in or
2 to the building, structure, premises or land. The failure of
3 the Director of Building to serve any person required herein to
4 be served shall not invalidate any proceedings hereunder as to
5 any other person duly served or relieve any such person from any
6 duty or obligation imposed on him by the provisions of this
7 Section.

8 (d) METHOD OF SERVICE. Service of the notice and
9 order shall be made upon all persons entitled thereto either
10 personally or by mailing a copy of such notice and order by
11 certified mail, postage prepaid, return receipt requested, to
12 each such person at his address as it appears on the last equal-
13 ized assessment roll of the county. If no address of any such
14 person so appears then a copy of the notice and order shall be
15 so mailed, addressed to such person, at the address of the
16 building, structure, premises, or land, involved in the pro-
17 ceedings. The failure of any such person to receive such notice
18 shall not affect the validity of any proceedings taken under
19 this Section. Service by certified mail in the manner herein
20 provided shall be effective on the date of mailing.

21 (e) PROOF OF SERVICE. Proof of service of the notice
22 and order shall be made at the time of service by a written
23 declaration under penalty of perjury executed by the person
24 effecting service, declaring the time, date and manner in which
25 service was made.

26 Section 302. FILING CERTIFICATE. If compliance is not
27 had with the order within the time specified therein, and
28 no appeal has been properly and timely filed, the Director
29 of Building shall file in the office of the Department of Records
30 and Elections a certificate describing the property and certifying
31 (i) that the building, structure, premises, land, or portion
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1 thereof is used or maintained in violation of this Code and (ii)
2 that the owner has been so notified. Whenever the corrections
3 ordered shall thereafter have been completed on the property
4 described in the certificate, the Director of Building shall
5 file a new certificate with the Department of Records and
6 Elections certifying that the required corrections have been made
7 so that the building, structure, premises, land, or portion
8 thereof is no longer used or maintained in violation of this Code.

9 Section 303. STANDARDS. The standards of the current
10 Zoning Code shall be followed by the Director of Building (and
11 by the Board of Appeals if appeal is taken) in determining the
12 existence of a zoning violation and in determining the abatement
13 work required to make any building, structure, premises, land,
14 or portion thereof comply with this code.

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16 CHAPTER 4 - APPEAL

17 Section 401. (a) FORM OF APPEAL. Any person entitled
18 to service under Section 301 (c) may appeal from any notice and
19 order or any action of the Director of Building under this Code
20 by filing at the office of the Director of Building within 30
21 days from the date of the service of such order, a written
22 appeal containing:

23 1. A heading in the words: "Before the Board of
24 Appeals of the County of King."

25 2. A caption reading: "Appeal of _____"
26 giving the names of all appellants participating in the appeal.

27 3. A brief statement setting forth the legal interest
28 of each of the appellants in the building, structure, premises,
29 land, or portion thereof involved in the notice and order.

1 4. A brief statement in concise language of the
2 specific order or action protested, together with any material
3 facts claimed to support the contentions of the appellant.

4 5. A brief statement in concise language of the relief
5 sought, and the reasons why it is claimed the protested order or
6 action should be reversed, modified, or otherwise set aside.

7 6. The signatures of all parties named as appellants,
8 and their official mailing addresses.

9 7. The verification (by declaration under penalty of
10 perjury) of at least one appellant as to the truth of the matters
11 stated in the appeal.

12 (b) PROCESSING OF APPEAL. Upon receipt of any appeal
13 filed pursuant to this Section, the Director of Building shall
14 present it at the next regular or special meeting of the Board
15 of Appeals.

16 (c) SCHEDULING AND NOTICING APPEAL FOR HEARING. As
17 soon as practicable after receiving the written appeal the Board
18 of Appeals shall fix a date, time, and place for the hearing of
19 the appeal by the Board. Such date shall be not less than 10
20 days nor more than 60 days from the date the appeal was filed
21 with the Director of Building. Written notice of the time and
22 place of the hearing shall be given at least 10 days prior to
23 the date of the hearing to each appellant by the secretary of
24 the Board either by causing a copy of such notice to be delivered
25 to the appellant personally or by mailing a copy thereof, postage
26 prepaid, addressed to the appellant at his address shown on the
27 appeal.

28 Section 402. Failure of any person to file an appeal
29 in accordance with the provisions of Section 401 shall consti-
30 tute a waiver of his right to an administrative hearing and
31 adjudication of the notice and order, or any portion thereof.

1 Section 403. Only those matters or issues speci-
2 fically raised by the appellant in the written notice of appeal
3 shall be considered in the hearing of the appeal.

4 Section 404. Enforcement of any notice and order of the
5 Director of Building issued under this Code shall be stayed
6 during the pendency of an appeal therefrom which is properly
7 and timely filed.

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9 CHAPTER 5 - PROCEDURE FOR CONDUCT OF HEARING APPEALS

10 Section 501. (a) HEARING EXAMINERS. The Board may
11 appoint one or more hearing examiners or designate one or
12 more of its members to serve as hearing examiners to conduct
13 the hearings. The examiner hearing the case shall exercise
14 all powers relating to the conduct of hearings until it is
15 submitted by him to the Board for decision.

16 (b) RECORD. A permanent record of the entire
17 proceedings shall be made by any means of permanent recording
18 determined to be appropriate by the Board.

19 (c) REPORTING. A transcript of the proceedings
20 shall be made available to all parties upon request and upon
21 payment of the fee prescribed therefor. Such fees may be
22 established by the Board and collected by the Department of
23 Building for deposit in the general fund, but shall in no
24 event be greater than the cost involved.

25 (d) CONTINUANCES. The Board may grant continuances
26 for good cause shown; however, when a hearing examiner has been
27 assigned to such hearing, no continuances may be granted except
28 by him for good cause shown.

29 (e) OATHS - CERTIFICATION. In any proceedings under
30 this chapter, the Board, any board member, or the hearing exam-
31 iner has the power to administer oaths and affirmations and to
32 certify to official acts.

1 (f) REASONABLE DISPATCH. The Board and its repre-
2 sentatives shall proceed with reasonable dispatch to conclude
3 any matter before it. Due regard shall be shown for the con-
4 venience and necessity of any parties or their representatives.

5 Section 502. NOTICE TO APPELLANT. The notice to
6 appellant shall be substantially in the following form, but may
7 include other information:

8 "You are hereby notified that a hearing will be
9 held before (the Board or name of hearing examiner)
10 at _____ on the _____ day of _____,
11 19 ____, at the hour of _____, upon the notice
12 and order served upon you. You may be present at
13 the hearing. You may be, but need not be, represented
14 by counsel. You may present any relevant evidence and
15 will be given full opportunity to cross-examine all
16 witnesses testifying against you. You may request
17 the issuance of subpoenas to compel the attendance
18 of witnesses and the production of books, documents
19 or other things by filing an affidavit therefor with
20 (Board of name of hearing Examiner)."

21 Section 503. (a) FILING AN AFFIDAVIT. The Board or
22 examiner may obtain the issuance and service of a subpoena for
23 the attendance of witnesses or the production of other evidence
24 at a hearing upon the request of a member of the Board or upon
25 ~~the written demand of any party. The issuance and service of~~
26 such subpoena shall be obtained upon the filing of an affidavit
27 therefor which states the name and address of the proposed wit-
28 ness; specifies the exact things sought to be produced and the
29 materiality thereof; and states that the witness has the desired
30 things in his possession or under his control. A subpoena need
31 not be issued when the affidavit is defective in any particular.
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1 (b) CASES REFERRED TO EXAMINER. In cases where a
2 hearing is referred to an examiner, all subpoenas shall be ob-
3 tained through the examiner.

4 (c) PENALTIES. Any person who refuses without lawful
5 excuse to attend any hearing, or to produce material evidence in
6 his possession or under his control as required by any subpoena
7 served upon such person as provided for herein shall be guilty
8 of a misdemeanor.

9 Section 504. (a) RULES. Hearings need not be conducted
10 according to the technical rules relating to evidence and
11 witnesses.

12 (b) ORAL EVIDENCE. Oral evidence shall be taken only
13 on oath or affirmation.

14 (c) HEARSAY EVIDENCE. Hearsay evidence may be used
15 for the purpose of supplementing or explaining any direct evi-
16 dence, but shall not be sufficient in itself to support a finding
17 unless it would be admissible over objection in civil actions in
18 courts of competent jurisdiction in this state.

19 (d) ADMISSIBILITY OF EVIDENCE. Any relevant evidence
20 shall be admitted if it is the type of evidence on which respon-
21 sible persons are accustomed to rely in the conduct of serious
22 affairs, regardless of the existence of any common law or statu-
23 tory rule which might make improper the admission of such evidence
24 over objection in civil actions in courts of competent jurisdic-
25 tion in this state.

26 (e) EXCLUSION OF EVIDENCE. Irrelevant and unduly
27 repetitious evidence shall be excluded.

28 (f) RIGHTS OF PARTIES. Each party shall have these
29 rights, among others:

30 1. To call and examine witnesses on any matter rele-
31 vant to the issues of the hearing;
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2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him to testify;
5. To rebut the evidence against him;
6. To represent himself or to be represented by any one of his choice who is lawfully permitted to do so.

(g) OFFICIAL NOTICE.

1. What may be noticed. In reaching a decision, official notice may be taken either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of this state or of official records of the Board or Departments and ordinances of the county or rules and regulations of the Board.

2. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

3. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board or hearing examiner.

4. Inspection of the premises. The Board or the hearing examiner may inspect any building, structure, premises, land, or portion thereof involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the Board or the hearing examiner shall state for

1 the record upon completion of the inspection the material facts
2 observed and the conclusions drawn therefrom. Each party then
3 shall have a right to rebut or explain the matters so stated by
4 the Board or hearing examiner.

5 Section 505. (a) HEARING BEFORE BOARD ITSELF. Where
6 a contested case is heard before the Board itself, no member
7 thereof who did not hear the evidence or has not read the entire
8 record of the proceedings shall vote or take part in the decision.

9 (b) HEARING BEFORE EXAMINER. If contested case is
10 heard by a hearing examiner alone, he shall within a reasonable
11 time (not to exceed 90 days from the date the hearing is closed)
12 submit a written report to the Board. Such report shall contain
13 a brief summary of the evidence considered and state the examiner's
14 findings, conclusions and recommendations. The report also shall
15 contain a proposed decision in such form that it may be adopted
16 by the Board as its decision in the case. All examiner's reports
17 filed with the Board shall be matters of public record. A copy
18 of each such report and proposed decision shall be mailed to each
19 party on the date they are filed with the Board.

20 (c) CONSIDERATION OF REPORT BY BOARD - NOTICE. The
21 Board shall fix a time, date, and place to consider the examiner's
22 report and proposed decision. Notice thereof shall be mailed
23 to each interested party not less than five days prior to the
24 date fixed, unless it is otherwise stipulated by all of the
25 parties.

26 (d) EXCEPTIONS TO REPORT. Not later than two days
27 before the date set to consider the report, any party may file
28 written exceptions to any part or all of the examiner's report
29 and may attach thereto a proposed decision together with written
30 argument in support of such decision. By leave of the Board,
31 any party may present oral argument to the Board.

1 (e) DISPOSITION BY THE BOARD. The Board may adopt
2 or reject the proposed decision in its entirety, or may modify
3 the proposed decision.

4 (f) PROPOSED DECISION NOT ADOPTED. If the proposed
5 decision is not adopted as provided in Subsection (3), the Board
6 may decide the case upon the entire record before it, with
7 or without taking additional evidence; or may refer the case
8 to the same or another hearing examiner to take additional
9 evidence. If the case is reassigned to a hearing examiner, he
10 shall prepare a report and proposed decision as provided in
11 Subsection (b) hereof, after any additional evidence is submitted.
12 Consideration of such proposed decision by the Board shall
13 comply with the provisions of this Section.

14 (g) FORM OF DECISION. The decision shall be in writing
15 and shall contain findings of fact, a determination of the issues
16 presented, and the requirements to be complied with. A copy of
17 the decision shall be delivered to the appellant personally or
18 sent to him by certified mail, postage prepaid, return receipt
19 requested.

20 (h) EFFECTIVE DATE OF DECISION. The effective date of
21 the decision shall be as stated therein.

22
23 CHAPTER 6 - ENFORCEMENT OF THE ORDER OF THE DIRECTOR OF BUILDING
24 OR THE BOARD OF APPEALS.

25 Section 601. (a) GENERAL. After any order of the
26 ~~Director of Building or the Board of Appeals made pursuant to~~
27 this Code shall have become final, no person to whom any such
28 order is directed shall fail, neglect, or refuse to obey any
29 such order. Any such person who fails to comply with any such
30 order is guilty of a misdemeanor.
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1 (b) FAILURE TO OBEY ORDER. If, after any order of the
2 Director of Building or Board of Appeals made pursuant to this
3 Code has become final, the person to whom such order is
4 directed shall fail, neglect or refuse to obey such order, the
5 Director of Building may (i) cause such person to be prosecuted
6 under Subsection (a) of this section, (ii) institute any appro-
7 priate action to assess a civil penalty or abate the zoning
8 violation, or both, in order to correct the conditions which
9 render the building, structure, premises, or portion thereof in
10 violation of this Code.

11 Section 602. TIME EXTENSION. Upon receipt of an
12 application from the person required to conform to the order and
13 an agreement by such person that he will comply with the order
14 if allowed additional time, the Director of Building may, in his
15 discretion, grant an extension of time, not to exceed an addi-
16 tional 120 days, within which to complete the abatement, if the
17 Director of Building determines that such an extension of time
18 will not create or perpetuate a situation imminently dangerous
19 to life or property. The Director of Building's authority to
20 extend time is limited to abatement of the zoning violation and
21 will not in any way affect or extend the time to appeal his
22 notice and order.

23 Section 603. VIOLATION TO IMPEDE ABATEMENT. No person
24 shall obstruct, impede or interfere with any officer, employee,
25 ~~contractor or any other authorized representative of the county,~~
26 ~~or with any person who owns or holds any estate or interest in~~
27 ~~any building, structure, premises, land, or portion thereof which~~
28 ~~has been ordered abated, or with any person to whom such building,~~
29 ~~structure, premises, land, or portion thereof has been lawfully~~
30 ~~sold, whenever such officer, employee, contractor or authorized~~
31 ~~representative of the county, person having an interest or estate~~
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1 in such building, structure, premises, land, or portion thereof,
2 or purchaser is engaged in the work of abatement pursuant to
3 this Code, or in performing any necessary act preliminary to or
4 incidental to such work authorized and directed pursuant to this
5 Code.

6
7 CHAPTER 7 - PERFORMANCE OF WORK OF ABATEMENT.

8 Section 701 (a) PROCEDURE AND COSTS OF WORK OF ABATEMENT

9 Whenever the Director of Building shall cause abatement of a
10 zoning violation to be done pursuant to this code, the Director
11 of Building at his discretion shall have the work accomplished
12 under his direction by private contract or by county personnel.
13 Plans and specifications for the work may be prepared by the
14 Director of Building, or he may employ such architectural and
15 engineering assistance on a contract basis as he may deem
16 reasonably necessary. The Director of Building shall follow
17 standard public works contractual procedures for all work ac-
18 complished by private contract.

19 (b) COSTS. The cost of such work shall be paid from
20 amounts appropriated for abatement purposes and shall be made both
21 a lien against the property involved and a personal obligation of
22 the property owner.

23 (c) SURPLUS PAID OVER. Any surplus realized from the
24 sale of any such building, structure, premises, land, portion
25 thereof, or from the abatement thereof, over and above the cost
26 of abatement and of cleaning the lot shall be paid over to the
27 person or persons lawfully entitled thereto.
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1 CHAPTER 8 - RECOVERY OF CIVIL PENALTY AND COST OF ABATEMENT.

2 Section 801. LIEN AUTHORIZED. King County has a lien
3 for any civil penalty imposed or the cost of any work of abatement
4 done pursuant to this code, or both, against the real property
5 on which the civil penalty was imposed or any of the above works
6 performed.

7 Section 802. PERSONAL OBLIGATION AUTHORIZED. The civil
8 penalty and the cost of abatement are also personal obligations
9 of the property owner. The prosecuting attorney on behalf of
10 King County may collect the civil penalty and the abatement work
11 costs by use of all appropriate legal remedies.

12 Section 803. NOTICE LIEN MAY BE CLAIMED. The Notice
13 and Order of the Director of Building pursuant to Chapter 11 of
14 this code shall give notice to the owner that a lien for the
15 civil penalty or the cost of abatement, or both, may be claimed
16 by King County.

17 Section 804. PRIORITY. The Lien shall be subordinate
18 to all existing special assessment liens previously imposed upon
19 the same property, and shall be paramount to all other liens
20 except for state and county taxes with which it shall be upon a
21 parity.

22 Section 805. CLAIM OF LIEN-GENERAL. The Director of
23 Building shall cause a claim for lien to be filed for record
24 in the office of the Department of Record and Elections within
25 90 days from the date the civil penalty is due or within 90 days
26 from the date of completion of the work or abatement performed
27 pursuant to this code.

28 (a) Contents. The claim of lien shall contain the
29 following:

- 30 (i) The authority for imposing a civil penalty
31 or undertaking the abatement work, or both;
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1 (ii) A brief description of the civil penalty
2 imposed or the abatement work done, or both,
3 (if a civil penalty), including the violations
4 charged and the duration thereof, (if abate-
5 ment work) including the time the work is
6 commenced and completed and the name of
7 the persons or organizations performing
8 the work;

9 (iii) A description of the property to be charged
10 with the lien;

11 (iv) The name of the owner, or reputed owner if
12 known, and if not known the fact shall be
13 alleged, and

14 (v) The amount including lawful and reasonable
15 costs for which the lien is claimed.

16 (b) Verification. The Director of Building or his
17 authorized representative shall sign and verify the claim by oath
18 to the effect that the affiant believes the claim is just.

19 (c) Amendment. The claim of lien may be amended in
20 case of action brought to foreclose same, by order of the court,
21 insofar as the interests of third parties shall not be detrimen-
22 tally affected by amendment.

23 Section 806. RECORDING. The Director of Records and
24 Elections shall record the claims and notices mentioned in this
25 Section, which record must be indexed as deeds and other convey-
26 ances are required by law to be indexed.

27 Section 807. DURATION OF LIEN - LIMITATION OF ACTION.
28 No lien created by this code binds the property subject to the
29 lien for a period longer than three years after the claim has
30 been filed unless an action is commenced in the proper court
31 within that time to enforce the lien.

Section 808. FORECLOSURE - PARTIES. The lien provided by this ordinance may be foreclosed and enforced by a civil action in a court having jurisdiction.

(a) Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

(b) Actions Prohibited. No person shall begin an action to foreclose a lien upon any property while a prior action begun to foreclose another lien on the same property is pending, but if not made a party plaintiff or defendant to such prior action, he may apply to the court to be joined as a party thereto, and his lien may be foreclosed in such action.

(c) Actions Saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

Section 809. COSTS OF ENFORCEMENT ACTION. In addition to costs and disbursements provided for by statute, the prevailing party in a foreclosure action or collection action under this Code may, in the court's discretion, be allowed interest and a reasonable attorney's fee. The Prosecuting Attorney shall seek such costs, interest, and reasonable attorney's fees on behalf of King County when the county is the prevailing party."

PASSED by the Council at a regular meeting thereof on the 1st day of May, 19 72.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Marcy J. Owen
Chairman

ATTEST:

Lee Kraft
Administrator-Clerk of the Council

APPROVED this 8th day of May, 19 72

King County Executive

CHRISTOPHER T. BAYLEY
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